

ATTACHMENT A

STIPULATION OF FACTS

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

On or about September 4, 2019, in the District of Maryland, the Defendant, **DONNELL DUANE BERRY** ("**BERRY**"), **Charles Gray** ("**Gray**"), and **Individual A**, did obtain, by intimidation, property, and money, anything of value belonging to, or in the care, custody control, management and possession of any bank, that is, U.S. currency belonging to, and in the care, custody, control and possession of Bank A, located in Lanham, Maryland, the deposits of which were insured by the FDIC.

On September 4, 2019, just before 10:30 a.m., **BERRY**, **Gray**, and **Individual A** drove to Bank A, located in Lanham, Maryland, for the purpose of committing a robbery. **BERRY**, who had previously committed a robbery at this same location, wrote the demand note, and provided it to **Gray**. Around 10:30 a.m., **Gray** entered Bank A, while **BERRY** and **Individual A** waited outside in the getaway car. **Gray** wore a tan cap, sunglasses, a black jacket, a two-tone gray plaid button up shirt, black pants, and dark shoes. **Gray** approached a teller at Bank A and passed her the demand note that **BERRY** had written. The note said: "20,000 in Large Bills NOW!! If u Think this shit is A Game try me!! YOU are Being Watched so no Games! NO DYE Packs or Fake money Don't press The Button or people will get hurt! You have 2 min to Get my money move now Remember your being watched!!" The victim bank teller, in fear for her life, complied and gave **Gray** \$4,225 in U.S. currency. **Gray** left Bank A with the money and got into the getaway car where **BERRY** and **Individual A** were waiting.

Around 10:37 a.m., police officers in the area located the getaway car at the intersection of Woodmore Road and Clearwood Drive in Mitchellville, Maryland, approximately five miles from Bank A. The getaway car was disabled in the intersection. **BERRY**, **Gray**, and **Individual A** attempted to flee from police. Officers apprehended **BERRY** a short distance from the car. Near the wood line several yards east of the intersection of Woodmore Road and Clearwood Drive, officers recovered a black and gray backpack with **BERRY'S** identification and credit cards in it.

Officers followed **Gray** as he ran toward a house near the intersection of Woodmore Road and Clearwood Drive, and watched as **Gray** attempted to get rid of various items as he ran. After apprehending **Gray**, officers recovered the following items from a bin underneath the deck of the house near the intersection: the tan cap that **Gray** was wearing during the robbery of Bank A, **Gray's** wallet, and \$3,050 in U.S. currency. The money that was recovered near **Gray's** wallet was the same money that had **BERRY** and **Gray** had stolen from Bank A, and still had Bank A's GPS tracker in it. **Individual A** was apprehended by law enforcement later that day.

Bank A's deposits are insured by the FDIC, and were insured by the FDIC on September 4, 2019. The \$4,225 that **BERRY** and **Gray** robbed from Bank A on September 4, 2019 was

money that belonged to or was in the case, custody, control, management or possession of Bank A.

SO STIPULATED:

Erin B. Pulice

Erin B. Pulice
Assistant United States Attorney

Donnell Duane Berry

Donnell Duane Berry
Defendant

John Chamble

John Chamble, Esq.
Counsel for Defendant